

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MIRIAM CRUZ, on behalf of herself and all
others similarly situated,

Plaintiffs,

-against-

BENIHANA, INC.

Defendant.

Docket No: 1:22-cv-5451

NOTICE OF SETTLEMENT

Now comes the Plaintiff MIRIAM CRUZ, by and through counsel, to provide notice to the Court that the present cause has been settled between the parties, and states:

1. A settlement in principle has been reached between Plaintiff and Defendant and settlement agreement (“Agreement”) is in the process of being finalized. Once the Agreement is fully executed, and certain conditions have been fulfilled pursuant to the Agreement, the parties will submit a Stipulation of Dismissal with prejudice, and without costs, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
2. The parties respectfully request that the Court stay this case and adjourn all deadlines and conferences.

Dated: Queens, New York
January 31, 2023

Respectfully submitted,

/s/ Mars Khaimov

Mars Khaimov, Esq.
Mars Khaimov Law, PLLC
10826 64th Avenue, Second Floor
Forest Hills, New York 11375
mars@khaimovlaw.com